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6 CALIFORNIA SPORTFISHING PROTECTION
7 ALLIANCE, a non-profit corporation

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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CALIFORNIA SPORTFISHING PROTECTION
12 ALLIANCE, a non-profit corporation,

13 Plaintiff,

14 vs.

15 STERICYCLE, INC., a Delaware corporation,

16 Defendant.
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Case No.: 5:20-cv-08435-VKD

**STIPULATION TO DISMISS
PLAINTIFFS' CLAIMS WITH
PREJUDICE, RETAINING
JURISDICTION OVER SETTLEMENT;
[PROPOSED] ORDER GRANTING
DISMISSAL OF CLAIMS WITH
PREJUDICE, RETAINING
JURISDICTION OVER SETTLEMENT**

**(Federal Water Pollution Control Act, 33
U.S.C. §§ 1251 et seq.)**

Courtroom 2, 5th Floor
Robert F. Peckham Federal Building
280 South 1st Street
San Jose, CA 95113
Judge Virginia K. DeMarchi

STIPULATION TO DISMISS PLAINTIFFS' CLAIMS WITH PREJUDICE, RETAINING JURISDICTION OVER
SETTLEMENT; [PROPOSED] ORDER

5:20-cv-08435-VKD

1 **PLEASE TAKE NOTICE THAT:**

2 WHEREAS, on September 25, 2020, Plaintiff California Sportfishing Protection Alliance
3 (“Plaintiff” or “CSPA”) provided Stericycle, Inc. (“Defendant” or “Stericycle”) with a Notice of
4 Violations and Intent to File Suit (“Notice”) under Clean Water Act § 505, 33 U.S.C. § 1365;

5 WHEREAS, on November 30, 2020, CSPA filed its complaint against Stericycle in this
6 Court, which incorporated by reference all of the allegations contained Plaintiff’s Notice;

7 WHEREAS, CSPA and Stericycle (the “settling parties”), through their authorized
8 representatives and without either adjudication of CSPA’s claims or admission by Stericycle, of any
9 alleged violation or other wrongdoing, have chosen to resolve in full by way of settlement the
10 allegations of CSPA set forth in the Notice and Complaint, thereby avoiding the costs and
11 uncertainties of further litigation. A copy of the Settlement Agreement entered into by and between
12 CSPA and Stericycle, is attached hereto as Exhibit A and fully incorporated by reference.

13 WHEREAS, on April 29, 2021, Plaintiff filed a Notice of Settlement and requested the
14 Court not enter any order regarding the Settlement Agreement until a mandatory period for
15 comment by the United States had passed pursuant to United States Code, title 33, section
16 1365(c)(3) and Code of Federal Regulations, title 40, section 135.5; and

17 WHEREAS, on April 30, 2021, Plaintiff filed a Notice of Commencement of 45-Day
18 Review Period, which advised the Court that the United States had acknowledged receipt of the
19 Settlement Agreement and would notify the Court of any objections to the Settlement Agreement by
20 June 14, 2021; and

21 WHEREAS, Plaintiff submitted the Settlement Agreement via certified mail, return receipt
22 requested, to the U.S. Environmental Protection Agency and the U.S. Department of Justice (the
23 “federal agencies”) for a 45-day statutory review period, consistent with 33 U.S.C. § 135.5, and as
24 noted directly above, that review period has completed. The federal agencies have submitted
25 correspondence to the Court on June 14, 2021, indicating that they have no objection to the terms of
26 the Settlement Agreement.

27 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to that the settling parties
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1 request an order from this Court (1) approving the settlement agreement; (2) dismissing with
2 prejudice CSPA's claims as to STERICYCLE, INC., as set forth in the Notice and Complaint, and
3 (3) concurrently retaining jurisdiction over this matter or purposes of dispute resolution and
4 enforcement of the Settlement Agreement.

5 Dated: June 18, 2021

AQUA TERRA AERIS LAW GROUP LLP

7 By: s/Anthony Barnes
8 Anthony M. Barnes
9 Attorneys for Plaintiff CALIFORNIA
SPORTFISHING PROTECTION ALLIANCE

10 Dated: June 18, 2021

STOEL RIVES LLP

12 By: s/Michael Mills
13 Michael N. Mills
14 Attorneys for Defendant
STERICYCLE, INC.

[PROPOSED] ORDER

Good cause appearing, and the parties having stipulated and agreed, IT IS HEREBY ORDERED that the settlement agreement is approved, and pursuant to Federal Rules of Civil Procedure 41(a)(2), CALIFORNIA SPORTFISHING PROTECTION ALLIANCE's claims as to STERICYCLE, INC., as set forth in the Notice and Complaint, are dismissed with prejudice, and the Court shall retain jurisdiction over this matter for purposes of dispute resolution and enforcement of the Settlement Agreement, attached hereto as Exhibit "A" and fully incorporated by reference herein.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2021

MAGISTRATE JUDGE VIRGINIA K. DeMARCHI